

Application No: 10/760,277
Attorney's Docket No: ALC 3112

REMARKS/ARGUMENTS

Claims 1-7 are pending in this application. Claim 1 is independent. Claims 1 and 7 are amended.

In sections 1-10 on pages 2-7, the Office Action states that a restriction is required under 35 U.S.C. §121 to the four groups of claims specified in section 1 on page 2. As noted in section 10, on page 6, Applicant made a telephone election of group 1, corresponding to claims 1-7, with traverse, on August 27, 2007.

In section 11, on page 7, the Office Action objects to the specification because "it does not provide proper antecedent basis for placing discarded packets in an extraction queue." Applicant respectfully traverses this objection for at least the following reasons.

Applicant is puzzled by the citation to the MPEP. The section of the MPEP in question relates to the abstract of the disclosure. Nevertheless, for the sake of clarity, the detailed description is amended to include the subject matter of originally filed claim 7.

For at least the foregoing reasons, it is respectfully requested that the objection to the specification be withdrawn.

In sections 12 and 13 on page 7, the Office Action rejects claim 1 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 7,177,311 to Hussain. This rejection is respectfully traversed for at least the following reasons.

Claim 1 is amended to incorporate the subject matter previously recited in claim 7. Thus, the reasons for the allowability of claim 1 will be described in greater detail below in connection with the rejection of claim 7.

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For at least the foregoing reasons, it is respectfully requested that the rejection of claim 1 as allegedly being anticipated by Hussain be withdrawn.

In sections 16-18 on pages 8 and 9, the Office Action rejects claim 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hussain in view of U.S. Publication No. 2004/0252693 to Cheriton et al. (hereinafter "Cheriton"). In sections 19-21 on page 9, the Office Action rejects claim 3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hussain in view of U.S. Publication No. 2004/0062200 to Kesavan and U.S. Patent No. 5,432,784 to Ozveren. In sections 22-26 on pages 10-11, the Office Action rejects claims 4-6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hussain in view of Kesavan, Ozveren, and U.S. Patent No. 6,851,008 to Hao. In sections 27-30 on page 11, the Office Action rejects claim 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hussain in view of U.S. Patent No. 6,643,256 to Shimojo et al. (hereinafter "Shimojo").

Regarding claim 7, the Office Action correctly concedes in section 29 on page 11 that Hussain does not disclose, teach or suggest, "placing the discarded packets in an extraction queue for further examination," as recited in claim 7. In order to overcome this correctly conceded deficiency in Hussain, the Office Action relies on Shimojo.

Applicant respectfully disagrees with the Office Action's assertion that Shimojo discloses the subject matter in question. Although Shimojo discloses placing unselected packets in a queue, Shimojo does not disclose, teach or suggest placing the packets in a queue for further examination, as recited in claim 7 as examined and as now recited in claim 1, from which claims 2-7 depend. Instead, Shimojo simply places the packets in a queue for subsequent transmission.

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With respect to the rejections of claims 2-6, as noted above, Shimojo fails to make up for the deficiencies in Hussain correctly conceded by the Office Action. In addition, Cheriton, Kesavan, Ozveren, and Hao fail to make up for the deficiencies in Hussain and Shimojo discussed above. Accordingly, claims 2-6 are allowable based at least on their dependence from claim 1 for the reasons stated above in connection with the rejections of claims 1 and 7.

For at least the foregoing reasons, it is respectfully requested that the rejections of claims 2-7 under 35 U.S.C. §103 be withdrawn.

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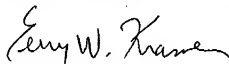
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CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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Date: December 5, 2007

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